IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15252 of 2005

Between:

K.S.Prakasha Rao S/o late Sitaramamurthy
R/o Chintoor Village, Khammam District

..... PETITIONER

AND

1. The Agency Divisional Officer, Bhadrachalam Khammam District.
2. The Additional Agent to Government/ Project Officer, ITDA, Bhadrachlam, Khammam District.
3. The Government of A.P., (Tribal Welfare Department) Secretary, Secretariat, Hyderabad.
4. The Mandal Revenue Officer, Chintur Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of Mandamus declaring the action of the 3rd respondent in not passing the appropriate orders on the stay petition filed along with an appeal on 21-06-2005 against the order of the 2nd respondent passed in CMA NO. 17/2004 dt 30-04-2005 is illegal, arbitrary and violative of principles of natural justice and consequently direct the 3rd respondent to consider and dispose off the stay petition or appeal itself within a reasonable time.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the third respondent in passing any orders on the stay application pending revision filed by the petitioner against the orders of the second respondent.

According to the petitioner, he is the owner of land in an extent of Ac.0.73 cents in Survey No.90/2 and Ac.6.10 cents in Survey No.90/3 of Chintur village and Mandal, Khammam District and the said land is an ancestral land. While so, the first respondent initiated proceedings against him on the premise that he is in possession of said land contrary to A.P. Scheduled Areas Land Transfer Regulation, 1959 and, after conducting enquiry, passed orders of eviction. Questioning the said order, he filed an appeal before the second respondent, which was disposed of on 30.04.2005. Aggrieved by the said order, he filed a revision before the third respondent and the same is pending. Though he sought for stay of dispossession, no orders have been passed by the third respondent so far. Hence, he sought for appropriate orders protecting his possession pending disposal of the revision by the third respondent.

At the time of hearing, the learned Government Pleader for Social Welfare referred to the finding recorded by the appellate authority to the effect that the petitioner was dispossessed as per the information furnished by the Mandal Revenue Officer by way of a report dated 18.12.2004 that the petitioner was dispossessed on 23.04.2004 itself. Therefore, it is contended by the learned Government Pleader that no stay could be granted at this stage.

The learned counsel appearing for the petitioner, however, disputed the said finding contending that what was reported by the Mandal Revenue Officer is only on paper and actually the petitioner is in possession.

Heard both sides and considered the material on record.

As the revision is pending before the third respondent, he is directed to dispose of the same expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. With reference to possession of the land in question, as there is a dispute, it would be appropriate to direct the parties to maintain *status quo* as on today pending disposal of the revision by the third respondent.

The writ petition is accordingly disposed of. No costs.

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14.07.2005

Note: Issue CC by 18.07.2005

(b/o)

VGB

To

1. The Agency Divisional Officer, Bhadrachalam Khammam District.
2. The Additional Agent to Government/ Project Officer, ITDA, Bhadrachlam, Khammam District.
3. The Secretary, Government of A.P., (Tribal Welfare Department), Secretariat, Hyderabad.
4. The Mandal Revenue Officer, Chintur Mandal, Khammam District.
5. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.